

### ***Remarks***

Claims 1-22 are pending in the application. Claims 1-20 have been canceled herein in response to the Examiner's restriction requirement as issued in the Office Action of 27 December 2007. Applicant requests reconsideration and further examination of the subject application in view of the foregoing amendments and the following remarks.

### ***Restriction Requirement***

In the Office Action mailed 27 December 2007, the Examiner issued a new restriction requirement under 35 U.S.C. § 121 for the subject application, between the following:

- I. Claims 1-20, drawn to a laser system, classified in class 372, subclass 23; and
- II. Claims 22 and 23 [sic], drawn to a laser system [sic], classified in class 422, subclass 22.

Applicant notes that there is no claim 23 currently pending in the subject application; it is believed that the Examiner intended to indicate claims 21-22 in Group II. Applicant also notes that claims 21-22 are directed to processes for destroying bacteria by use of specific laser-generated radiation of near infrared wavelengths – and not to lasers themselves as the Examiner indicated.

### ***Election***

In response to the Examiner's restriction requirement described above, Applicant hereby elects to prosecute in the subject application the claimed subject matter of Group II (e.g., claims 21-22) directed to processes for destroying bacteria by use of specific laser-generated radiation of near infrared wavelengths. Accordingly, claims 1-20 have been canceled without prejudice.

### ***Conclusion***

For the reasons stated above, Applicant respectfully submits that all claims under consideration in the pending application are in condition for allowance and timely Notice of Allowance is requested accordingly.

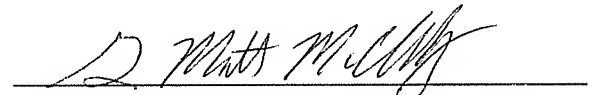
Serial No.: 10/649,910  
Amdt. dated 25 January 2008  
Reply to Office Action of 27 December 2007

Please charge any fees that may be due, or credit any overpayment, to Deposit Account Number 50-1133. The Examiner is invited to telephone the undersigned attorney to discuss any aspect of this application or this response.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 25 January 2008

A handwritten signature in black ink, appearing to read "G. Matthew McCloskey", is written over a horizontal line.

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